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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Mexico

Addendum

Information provided by Mexico in follow-up to the concluding observations

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I. Follow-up to the final recommendations of the Committee on the Elimination of Discrimination against Women

On 7 August 2012 the Committee communicated its recommendations to Mexico document CEDAW/C/MEX/CO/7-8; in that regard, paragraph 41 of the observations reads:

> **"The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 (b) and 33 (a) and (b) above."**

A. The first of said paragraphs reads:

> **19. (b) Develop a consistent official registry of forced disappearances in order to be able to assess the magnitude of the phenomenon and adopt appropriate policies; review local penal codes in order to define forced disappearances as a crime; simplify the existing procedures to activate the Alba Protocol and the Amber Alert, with a view to launching the search of disappeared women and girls without delay; and standardize police protocols of search;**

With regard to the development of a consistent official registry of forced disappearances, Mexico has taken various initiatives aimed at designing and implementing a comprehensive public policy to search for and find persons whose whereabouts is unknown. One such initiative, in response to national and international recommendations for introduction of best practices, is a consolidated and updated register that would, in effect, make it possible to build a public policy.

A person's whereabouts may be unknown for several reasons. Among the most common are the following: voluntary absence, absence due to domestic issues, unlawful imprisonment, internal or international migration, detention at a correctional institution, or becoming the victim of crime.

Following upon an agreement reached by the National Conference of Attorneys General (Conferencia Nacional de Procuración de Justicia (CNPJ)) in 2011, it was decided to create a database on missing persons comprising information provided by the attorneys general and prosecutors of the 32 federal states; this database was subsequently enhanced and consolidated through the passage of the Law on the National Registry of Data on Missing Persons (Ley del Registro Nacional de Datos de Personas Extraviadas o Desaparecidas), published in the Official Journal of the Federation on 17 April 2012.

Since it was created this database has been maintained without ever being purged and updated, i.e. there has been no deletion of persons who had subsequently been found nor has cross-checking of information been done to look for identical names or duplicative entries. The entries were reported by the attorneys general and prosecutors of the federal states and were recorded without any subsequent review or updating.

To rectify this shortcoming, the National Conference of Attorneys General, at its 29th general meeting on 30 May 2013, created working groups within each attorney general's or prosecutor's office of the federal states to carry out under uniform criteria the process of review, updating and purging of their registries in

order to transfer said information to a national database the statistical consolidation of which would fall to the Office of the Attorney General.

To that end, the working groups of the federal states have been performing the following tasks:

- Updating allegations, preliminary inquiries, case files or circumstantial records located in the offices of the attorneys general and prosecutors of the federal states;
- Making contact with relatives to update information on allegations concerning missing persons, through telephone calls and home visits;
- Identification of possible duplications or homonyms contained in the records of two or more offices of attorneys general or prosecutors of federal states;
- Cross-checking of information with databases of other offices or institutions.

This database has been integrated chronologically in the following manner:

- As of 30 November 2012, a total of 26,121 reports had been received; constitution of the database had begun in 2011 through an agreement signed under the auspices of the National Conference of Attorneys General, made up of the attorneys general and prosecutors of the federal states.
- In 2013, resulting from the updating agreed upon by the attorneys general and prosecutors of the federal states, that figure increased to 29,707 persons because local authorities that report data had uploaded to the database all the information available to date in their state registries and the registry of the Federal District.
- As of 31 July 2014, as a result of efforts by federal states to locate persons and to update registries, it was reported that 17,175 people on that list had been found, of whom 16,274 were found alive, and the search continued for 12,532 people.
- With regard to the registries included beginning 1 December 2012 up to 31 July 2014, the prosecutors and attorneys general of the federal states have reported that as of that date 13,444 persons had been found, of whom 12,821 were found alive, i.e. 95 per cent. Consequently, efforts continue to find 9,790 people.

It should be noted that this database is being constantly purged and updated.

Information from the National Registry of Data on Missing Persons (Registro Nacional de Datos de Personas Extraviadas o Desaparecidas- RNPED) is available to everyone on the web page of the National Executive Secretariat for Public Security http://secretariadoejecutivo.gob.mx/rnped/consulta-publica.php.

In this regard, as provided by the Federal Act on Transparency and Access to Public Governmental Information, consulting registries does not disclose information such as name and address.

In this database it is possible to search missing person data by sex, nationality, ethnic group, individual features, disability, and by federal state, as well as by the place or date where the disappearance was recorded.

With respect to cases of forced disappearance, it should be noted that, in the federal domain, the Office of the Attorney General has, from 2006 to date, initiated 239 preliminary investigations to inquire into cases of forced disappearance, in accordance with the offense defined by article 215-A of the Federal Penal Code.

Legislative harmonization - Reviewing local penal codes in order to define forced disappearance as a crime.

With regard to penal legislation, the crime of forced disappearance of persons is defined at the federal level in article 215-A of the Federal Penal Code now in force, which provides that "The offence of forced disappearance is committed by any public servant who, regardless of whether or not he participated in the legal or illegal detention of a person or persons, abets or wrongfully maintains their concealment under any form of detention." Section D of the same article provides that "a competent authority's denial of or refusal to grant unhampered and immediate access to a place where there is reason to believe that there is disappeared person, by a public servant responsible therefor, shall be punished by dismissal from his position, commission or employment, without prejudice to such other criminal penalties as may be applicable to such conduct."

At present, 24 of the 32 federal states provide for the offense of forced disappearance in their penal codes (Aguascalientes, Baja California, Campeche, Chihuahua, Coahuila de Zaragoza, Colima, the Federal District, Durango, Guanajuato, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, San Luis Potosí, Sinaloa, Sonora, Tamaulipas, Tlaxcala, Veracruz and Zacatecas). Another three states (Chiapas, Guerrero y Querétaro) have special laws. And five states lack a specifically defined criminal offense (Baja California Sur, State of México, Quintana Roo, Tabasco and Yucatán). See Annex 1. Recommendation 19 (b).

Further, in the framework of the 47th regular meeting of the National Conference of Governors, the federal executive and the heads of the 32 federal states reached an Agreement on Human Rights of which item 6 provides that the heads of the federal states undertake to promote the necessary reforms to the Penal Codes in order to bring the offense of forced disappearance into line with international standards.

It should be noted that on 26 November 2014 the government of the Federal District submitted to the Assembly of the Federal District a draft Act to Prevent, Eliminate and Punish Forced Disappearance of Persons and to amend article 168 of the Penal Code of the Federal District.

In this regard, the Congress is currently reviewing various initiatives that aim to reform the Constitution so that Congress will be empowered to issue a general law on forced disappearance of persons. According to the constitutional formula of distribution of powers in force in Mexico, it must be the Constitution that empowers the Congress to issue a general law on this matter that validly affects at all levels of government of the federation, in order to have nationwide standardization of the offense of forced disappearance.

In this regard, on 2 December last, the President of the Republic introduced a constitutional initiative designed, inter alia, to empower the Congress to issue general laws, including laws on torture and forced disappearance, which:

(a) Lay down concurrent jurisdiction by the federal and state governments in regard to public safety and provide for uniform criteria and procedures in that regard;

(b) Freely define what conduct should be characterized under said general laws and assign powers of investigation, prosecution and punishment for those cases in such manner that the Constitutional Authority delegates to the Congress the power to determine which criminal offenses shall or shall not be subject to general laws, as has been the case heretofore, it being the Constitutional Authority which makes that determination on a case by case basis. Of course, all forms of conduct that do not constitute an offense against the federation and those forms of conduct not provided for in general laws shall be subject to regulation by the local legislatures.

(c) Distribute powers in criminal matters for investigation, prosecution and punishment of crimes regardless of their jurisdiction, including at least the aspects of connectedness, attraction, delegation and coordination in these areas. That is, the aim is to modify the coordination scheme in order to generate a cooperative scheme where, under defined but also flexible rules, local authorities can deal with federal crimes and federal authorities with local crimes, avoiding the current rigidity in the system criminal jurisdiction, which simply allows, for some offenses defined under general laws, distribution with regard to concurrent jurisdiction and connectedness between federal and local offenses. What is intended is to generate new forms of cooperation, not only coordination, which may include multiple aspects better suited to social needs.

Under this third heading pertaining to criminal jurisdiction, the possibility opens up for the Congress to enact general laws that validly apply to all levels of government with respect to forced disappearance of persons and torture.

These initiatives were discussed by public servants, scholars and civil society in various forums organized by the Senate (20, 21 and 22 January, 2015), with a view to being able to approve a position in the current session of the Congress.

Through statements of case-law doctrine (tesis jurisprudenciales), the Supreme Court of Justice has established that, in accordance with article 8 of the International Convention on the Protection of All Persons from Forced Disappearance, the offence of enforced disappearance is a continuing or permanent offence as long as the whereabouts of the victim remain unknown.[1] Similarly, it was established that the prescription period begins to run from the time when the victim appears or his or her fate is determined[2] and that the prosecution of the offence and the sentence to be imposed upon the person liable for the crime forced disappearance shall not be subject to prescription. In other words, in cases of enforced disappearance, no

[1] Opinion P./J. 48/2004 of the Supreme Court of Justice in plenary session, p. 968 of *Semanario Judicial de la Federación y su Gaceta* (Judicial Weekly Gazette), vol. XX, July 2004, ninth edition. While this binding thesis dates from 2004, it is noted here because it had not been previously reported to CEDAW.

[2] Opinion P./J. 87/2004 (9th), source: *Semanario Judicial de la Federación y su Gaceta* (Judicial Weekly Gazette), vol. XX, September 2004, page 1121. While this binding thesis dates from 2004, it is noted here because it had not been previously reported to CEDAW.

authority may decide that the period during which the offender may be brought to trial or certain proceedings may take place has expired.[3]

Regarding deprivation of liberty as a component of the definition of the offence of enforced disappearance, the Supreme Court of Justice has stated that this offence is committed at the moment when the victim is illegally detained and throughout the period during which the detention continues. This was also in accordance with the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance.

The Supreme Court of Justice has reaffirmed the jurisprudence of the Inter-American Court of Human Rights, stating that the offence of enforced disappearance constitutes a manifold human rights violation which makes the victim totally defenceless and that it is a particularly serious offence when committed as part of a systematic pattern. The Court further established that, since it is a serious violation of human rights, family members must be given access to the results of preliminary inquiries and that the confidential nature of the information may not be invoked to prevent this.[4] The Supreme Court of Justice stated that the offence of enforced disappearance affects not only the person deprived of his or her liberty but also the victim's family. It thereby complied with international standards in this area, recognizing the legitimate interests of the family of the disappeared person.[5]

Mexico is also a State party to the following international agreements which enshrine the protection of persons from the practice of enforced disappearance:

- The International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in resolution 61/177 of 20 December 2006 and ratified by Mexico on 18 March 2008.
- The Rome Statute of the International Criminal Court, ratified by Mexico in August, 2005.
- The Inter-American Convention on Forced Disappearance of Persons, opened for signature on 9 June 1994 and ratified by Mexico on 9 April 2002.
- The Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on 18 December 1992.
- The International Covenant on Civil and Political Rights, opened for signature on 16 December 1966, signed and ratified by Mexico on 23 June 1981.

Mexico is also working to standardize the actions of Government bodies and municipal authorities in the investigation of cases of disappeared persons. Progress has been made in that area, in accordance with the principles enshrined in the Victims Act. The principles enshrined in the Act include treatment with dignity,

[3] Opinion of the Second Collegiate Criminal and Administrative Court of the Eighth Circuit: VIII.2°.P.A.3 P (10ª), source: *Semanario Judicial de la Federación y su Gaceta* (Judicial Weekly Gazette), book XII, September 2012, tenth edition.

[4] Amparo review No. 168/2011, First Chamber of the Supreme Court of Justice. Non-binding holdings T 1ª IX/2012 (10ª), 1ª X/2012 (10ª), 1ª XI/2012 (10ª), 1ª XII/2012 (10ª), source: *Semanario Judicial de la Federación y su Gaceta* (Judicial Weekly Gazette), book V, February 2012, vol. 1, tenth edition, pp. 650, 652, 654 and 667 respectively.

[5] Non-binding holding P. I/2013 (10ª), source: p. 368 of *Semanario Judicial de la Federación y su Gaceta* (Judicial Weekly Gazette), book XVII, March 2013, vol. 1, tenth edition.

good faith, a differentiated and specialized approach, non-criminalization, maximum protection, joint participation, prevention of secondary victimization and due diligence.

A National Victims Support System was created on 15 January 2014. Its main objective is to ensure protection and full reparation of damage sustained by those who have been the victims of crimes and human rights violations. Its central body is the Executive Commission for Victim Support, which is tasked with establishing a national victims registry, setting out the operating rules of an aid, assistance and comprehensive redress fund and defining the legal assistance to be provided by the relevant authorities in the three branches of government.

In line with the Government's policy on combating this problem, a Missing Persons Search Unit has been established.[6] The Unit is attached to the Office of the Attorney General and is staffed by personnel from that Office and specialists in the treatment of victims of forced disappearance.[7]

Among the functions of the Missing Persons Search Unit are the following:

(a) Receiving reports relating to disappearances of persons and taking necessary steps to search for and find them;

(b) Cooperating with law enforcement authorities;

(c) Designing, carrying out, overseeing and evaluating the performance of protocols relating to the search for missing persons and forensic identification in accordance with international standards;

(d) Forming working groups for investigation in specific cases of missing persons, such as those that may occur in a given area or region or those which are believed to have been committed by a given criminal group;

(e) Requesting exhumations at cemeteries and clandestine graves where there are reasonable grounds to presume that bodies are present;

(f) With regard to investigation, it is empowered on an urgent basis to obtain from police, technological, scientific and expert services the information necessary for searches.

(g) Institutionally it is empowered to coordinate the prosecutors of other administrative units or decentralized bodies of the Office of the Attorney General in searching for and locating missing persons including concentrating investigations and exercising the power to deal with matters of common law or federal law;

(h) Significantly, it has the responsibility to attend to and inform relatives of the missing persons about the lines of investigation aimed at searching for and locating the disappeared persons and involving them in the search process.

For 2014, the Missing Persons Search Unit had a budget of $52,863,206.46 pesos (fifty-two million eight hundred sixty three thousand two hundred six and

[6] Decision No. A/066/13 of the Attorney General of the Republic, dated 21 June 2013, set up the Missing Persons Search Unit.

[7] In addition, in order to strengthen the search investigations resulting from the disappearance of a person, an agreement was signed on 30 September 2014 between the Office of the Attorney General of the Republic and the International Committee of the Red Cross for use of the license for the Ante Mortem / Post Mortem database software.

46/100 Mexican pesos). Its total staff of 170 breaks down as follows: agents of the Prosecutor's Office, 29; assistants of the Prosecutor's Office, 34; staff in the analysis area, 13; staff of the investigation support area, 17; ministerial federal police, 40; federal police 15; and administrative staff, 22.

With regard to the number of cases and their results, as of January of 2015, 435 search cases had been opened (169 circumstantial records and 452 preliminary inquiries) which meant that 621 persons were being sought. Of these, 102 have been found, 72 alive and 30 dead.

The work done by the Missing Persons Search Unit in relation in relation to the Executive Commission for Victims consists of providing support by affording access to ministerial inquiries under way so that the Commission can provide comprehensive support, consisting of legal advice and economic, medical and psychological and social support.

Finally, in regard to the Directorate General of Strategies for Human Rights (Dirección General de Estrategias para la Atención de Derechos Humanos) of the Department of the Interior (Secretaría de Gobernación), access is facilitated to information so that this institution can, as necessary, provide support to the relatives of victims who turn to this institution in connection with protection and safeguarding of human rights.

The Committee recommends that the State party simplify the existing procedures to activate the Alba Protocol and the Amber Alert, with a view to launching the search of disappeared women and girls without delay; and standardize police protocols of search.

In response to that recommendation, the Committee is informed that to search for women, children and adolescents, the Office of the Attorney General of the Republic has an Office of the Assistant Attorney General for Human Rights, Crime Prevention and Community Services under whose responsibility there is an Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking (FEVIMTRA) which was established in 2008 in order to investigate and prosecute federal offences involving violence against women and human trafficking.

Activation of the ALBA Protocol

As was indicated in the second report of Mexico under the Universal Periodic Review, an agreement was signed in July of 2012 to launch a protocol for the coordination of actions to be taken by federal, state and municipal authorities to search for and assist women or girls who are reported missing in the Municipality of Ciudad Juárez, one of the most important search protocols for disappeared persons, known as the ALBA Protocol.[8]

The Alba Protocol is a rapid response and coordination investigation protocol for federal, state and municipal authorities in the event that a woman or girl is missing.

[8] The protocol was modified to respond to relevant international standards, implying coordination of the three levels of government, the mass media and the families of disappeared persons in order to initiate the urgent process of search in Ciudad Juárez, Chihuahua. Assistance provided to people found, including medical and psychological care and legal counseling, is also strengthened.

In January 2012, the Office of the Attorney General of the State of Chihuahua created a Specialized the Office of the Attorney General for Women Victims of Crime, which is in charge of activating the ALBA Protocol as part of complying with the decision of the Inter-American Court of Human Rights in the case *González et al.* v. *Mexico* ("*Cotton Field*").

The National Commission for the Prevention and Elimination of Violence against Women has been working in coordination with civil society organizations and with the Attorney General of the State of Chihuahua on strengthening the ALBA Protocol, which has been revised and updated in order to enhance its effectiveness based on the guidelines issued by the Interamerican Court of Human Rights itself. On that basis, a cooperation agreement was signed between the federal government, the state government of Chihuahua and the city of Ciudad Juarez to formalize its implementation.

After the creation of the Specialized the Office of the Attorney General, adaptations of the ALBA Protocol have been carried out in order to activate it or apply it in all cases in which a report is received of a missing or disappeared woman or girl. To that end, the Office of the Prosecutor initiates the search with police agencies and, if no results are obtained, implements phase 2 of the ALBA protocol through an interagency group which issues a periodic report. If the missing persons are not found, the investigation begins based on the assumption that there has been a crime. These adaptations have been implemented and are in operation.

In addition, the Protocol has received broad coverage in the mass media so that the population in general may know how to make use of this mechanism, which has been generally applicable throughout the state of Chihuahua since 2013.

The three phases of action under the protocol are as follows:

(a) **Phase one**. The report is received by telephone through the operator of the Specialized Rapid Response Centre or by a person receiving the information at the Missing Persons Search Unit. One of the most significant changes in this phase is that the report is transmitted immediately to the personnel of the Prosecutor's Office and the police so that the search can get under way without delay.

The criteria to evaluate the degree of vulnerability of the person reported about (formerly called risk criteria) have been redefined in this first phase, as follows:

i. The person is a girl or boy under age 11;

ii. The person has a disability;

iii. The person went missing in a city-centre area or in a suburb;

iv. The person went missing upon leaving his/her place of work or study;

v. From the circumstances in which the disappearance occurred it may be inferred that the person is in inminent danger.

vi. Inquiries have been made with relatives and friends, and no one has news of the disappeared person.

Assessment of these factors is done by analysts trained in gender perspective, in order to avoid presumptions, discrimination or application of stereotypes in case studies. At this stage, consideration is also given to the opinion of a criminal

profiler, in order to ensure that the search is pursued in accordance with the specific facts of each case.

At this stage procedures are established for taking genetic samples of the missing person and of relatives, in order to develop a genetic profile and incorporate it into the database for later comparisons.

(b) **Phase two**. A specialized task force is set up to pursue the lines of inquiry and investigation and to determine, in each concrete case, what actions will be pursued immediately in order to continue searching for the missing woman or girl.

Formerly, the task force was made up of police institutions. It has now been expanded into an inter-agency group, in pursuit of greater operational effectiveness. It is also supported by other participants of private and civil society entities which assist as partners in the search for disappeared women and girls, with the aim of establishing alternative mechanisms of search and dissemination activities for finding the person.

The task force is made up of the following:

i. Office of the State Prosecutor through the Office of the Specialized Prosecutor for Women Victims of Gender-based Crime, the Specialized Prosecutor for Safety and Prevention and the State Police;

ii. Secretariat of Municipal Public Security through the Municipal Police and Directorate of Traffic;

iii. Office of the Attorney General for Legal and Social Assistance of the System of Comprehensive Family Development;

iv. Federal Secretariat for Public Security through the Juárez station of the federal police, the regional security coordination service, as well as the rapid response centres;

v. Department of National Defence;

vi. The Office of the Attorney General of the Republic through the Federal Ministerial Police, liaison officers and the Special Prosecutor for Violent Crimes against Women and Human Trafficking.

vii. Department of the Interior through the National Commission to Prevent and Eradicate Violence against Women and the National Institute of Migration;

viii. Department of Communications and Transport

ix. Department of Exeternal Relations

x. Mexican Consulate in El Paso, Texas

xi. International police institutions

xii. Women's Institute of Chihuahua;

xiii. Border Customs through its External Trade Officers.

(c) **Phase Three** formally begins with the investigation dossier, in accordance with the assessment previously done by the Technical Working Group, and continues with the necessary steps for the search.

Efforts have been exerted to make this mechanism increasingly effective. According to the Office of the Prosecutor of the state of Chihuahua, there were 390 activations of the ALBA Protocol in 2012, of which 386 were resolved. In 2013, there were 450 activations of the ALBA Protocol, 208 in Phase Two, and of these 445 were resolved. Finally, up to September 2014 there were 288 activations of the Protocol, 103 in Phase Two, and only 9 cases remained pending.

It should be noted that since 2005 the then Commission to Prevent and Eradicate Violence against Women in Ciudad Juárez, subsequently National Commission for the Prevention and Elimination of Violence against Women (which assumed responsibility for the Juárez Commission in 2009) has been convening a Coordination Working Group on the ALBA Protocol which works on strengthening the Protocol.

As part of the activities conducted to follow up those agreements, the Department of the Interior, through the National Commission for the Prevention and Elimination of Violence against Women, has turned to corporate organizations to seek support and cooperation in activities relating to searching for women and girls, with a report to the Office of the Specialized Prosecutor for Gender of the state prosecutor's office of Chihuahua, and has worked on indicators to evaluate the mechanism.

The working group meets regularly in order to continue implementing the activities that are necessary to make adaptations in the ALBA Protocol.

The latest measures adopted by the group are:

i. On 4 June 2012 it was decided that the legal departments of the instituitons involved in the group would be sent the ALBA Protocol document. It was also agreed that AMBER Alert and the ALBA Protocol should work together and, on that basis, a meeting was held with civil society organizations and the United Nations to disseminate the ALBA Protocol and information about its operation.

ii. On 18 January 2013 the group decided to design indicators to evaluate the effectiveness of the ALBA Protocol; to make the mechanism known to business organizations; to create a web page about the ALBA Protocol with support from the Office of the Prosecutor of the state of Chihuahua; and that the work plans of prevention services in the three branches of government should include the subject of the ALBA Protocol in order to disseminate it.

The regional field office of the Attorney General's office of the special prosecutor for violent crimes against women and human trafficking in Ciudad Juárez has participated in all appeals relating to the ALBA Protocol in cooperation with state and municipal authorities.

Activation of AMBER Alert Mexico

The implementation of the AMBER Alert programme in Mexico lays down mechanisms to aid in the search for and location of children and adolescents in Mexican territory in imminent danger of suffering serious harm to their personal integrity in connection with their absence, disappearance, loss, illegal deprivation of liberty or any other circumstance where foul play is suspected. It is a programme which pools inter-agency efforts and promotes coordination and cooperation

between the federal government, the states, municipalities, mass media, the private sector and civil society.

The AMBER Alert programme in Mexico is a dissemination tool to help to search for and locate and recover children and adolescents in imminent danger of suffering serious harm in connection with their absence, disappearance, loss, illegal deprivation of liberty or any other circumstance where foul play is suspected anywhere in the country. The foregoing holds true independently of judicial action that the competent authorities may initiate with respect to each case.

The Attorney General of the Republic presides over the AMBER Alert programme in Mexico and the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking has nationwide responsibility for its implementation and operation.

This mechanism has been promoted through the introduction of coordination centres in all the federal states and is now operating throughout the country.

Mexico's AMBER Alert is triggered by the following criteria:

1. The child or adolescent is under age 18.
2. He/she is in imminent danger of suffering grave damage to his/her integrity.
3. There is sufficient information: name, age, sex, physical characteristics, individual features, illnesses, disabilities, clothing worn at the time of disappearance, and description of the facts.

When the alert is triggered, there is a mass dissemination through the official site www.alertaamber.gob.mx and social networks, through Twitter @AAMBER_mx and Facebook "Alerta Amber México Oficial" as well as broadcasts on radio stations belonging to the chamber of the radio-television broadcasting industry (Cámara de la Industria de la Radio y la Televisión (CIRT)).

It is important to note that this is an agile and efficient mechanism for rapid search and location of the subjects in question and that success depends to a great extent on the information provided at the moment a person requests activation and the timeliness and promptness with which it is done, since no minimum amount of time needs to elapse for activation to occur.

Mexico's AMBER Alert programme establishes a very rapid procedure for activating alerts, for which reason it is a successful and simple system readily accessible to the citizenry, with an immediate response. Activating an alert requires only:

1. That the requesting party inform the authority (state or national AMBER contact) that the child or adolescent is missing.
2. The AMBER contact evaluates the request according to the three criteria established in the national protocol.
3. The Mexico AMBER alert is activated through the AMBER network of contacts.

From May of 2012 to 31 December 2014 the Mexico Amber Alert national coordinator of the Office of the Attorney General of the Republic activated 428

alerts and pre-alerts, of which 269 led to the minors being located, 182 girls and 87 boys. From 1 January to 31 December 2014, 222 alerts and pre-alerts were activated, leading to the location of 148 persons under 18 years of age, 98 girls and 50 boys. Telephone calls and e-mails to alertaamber@pgr.gob.mx are also received. In 2014 training included educational activities addressed to the state contact persons of the programme at the offices of attorneys general and prosecutors of 10 states,[9] with participation by 733 public servants in the state offices of the Attorney General of the Republic and in prosecutors' offices.

From 10 to 12 December 2013, Training of Trainers took place for 107 Mexico AMBER Alert contact persons from 28 states and personnel belonging to institutions comprising the national committee. To date, 157 contact persons have been certified by the National Criminal Justice Training Center of Fox Valley Technical College.

On 8 January 2014, based on strategies for follow-up action under the Mexico AMBER Alert Programmme, with a view to involving the mass media in said programme, the Department of the Interior (SEGOB), the Office of the Attorney General and the national chamber of radio and television broadcasters (CIRT) signed an agreement on collaboration in the framework of Mexico AMBER Alert, aimed at making it possible to find a child or adolescent immediately and effectively. In order to have a channel of communication enabling citizens to be immediately informed when alerts are activated or deactivated an official account for Mexico AMBER Alert was opened on the social networks Twitter and Facebook.

Together with the foregoing, the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking (FEVIMTRA) has created an official Mexico AMBER alert site,[10] in order for federal entities to communicate and coordinate their actions in the shortest possible time, aiming at the prompt location of children and adolescents. During the second national forum of Mexico AMBER Alert liaison persons (*Segundo Foro Nacional de Enlaces de Alerta AMBER México*) held on 26 and 27 May 2014, a new mobile application was announced that will enable citizens to request activation of an alert via cellular telephone.

The operation of the programme has generated good practices, such as:

- Preventing borders of any kind between the states at all levels of government from being an obstacle to the recovery of children and adolescents.
- Overcoming barriers to communication by establishing simple mechanisms within the reach of everyone.
- Promoting a culture of early reporting.
- Ensuring that when a report of a lost child is received the alert is activated and massive dissemination begins immediately.

Actions implemented by Mexico AMBER Alert to simplify operation, extend reach and strengthen results:

The National Coordinator of the Mexico AMBER Alert programme has a toll-free number (01 800 00 854 00) and an e-mail address (alertaamber@pgr.gob.mx).

[9] Durango, Baja California Sur, Nayarit, Federal District, Morelos, Guerrero, Chiapas, Querétaro, Tlaxcala, Tabasco, Michoacán and Zacatecas.

[10] http://www.alertaamber.gob.mx/

The programme's official accounts on Facebook and Twitter began in 2014, so that the public at large now has official and direct channels of communication.

As of May 2014, citizens can download on their mobile devices an application that enables them to request activation of an alert in real time.

As of 31 December 2014, all 32 states operate the Mexico AMBER Alert programme: 29 have formalized its operation and the remaining three are in process of doing so.

Implementation of the programme with actions that help the search to go forward within the early hours is indicative of the fact that all sectors and governments at every level, organizations of civil society, academia and enterprises have made it possible to build networks for immediate location. For example, the inclusion of the radio and television broadcasters' organization CIRT, with its more than 1,200 affiliates throughout the country, has helped to make it possible effectively to locate a child or adolescent.

Standardization of police search protocols

The national programme for equal opportunity and non-discrimination against women (PROGRAMA Nacional para la Igualdad de Oportunidades y no Discriminación contra las Mujeres 2013-2018) aligned with the National Development Plan (PND) includes among its strategies *guaranteeing effective, gender-sensitive justice with due diligence*, without discrimination against women and girls among its lines of action and prescribes promotion of standardized police investigation protocols for homicides of women and the development of impact indicators, as well as application of protocol, manuals, ministerial criteria, expert services and administration of justice with a gender perspective. Similarly, strategy 2.3 on strengthening services for women and girls regarding all types and modalities of violence has among its lines of action *Consolidating the implementation of the ALBA and Mexico AMBER Alert Protocols and promoting a national information system on missing persons*.

The Government of Mexico considers it necessary to continue working to strengthen training and to standardize all search actions and protocols at the national level.

In view of the need to shape a comprehensive national policy for investigation and search for missing or un-located persons a cooperation agreement was signed between the federal government, represented by the interior department, and the International Committee of the Red Cross, which seeks to work along four principal lines: legislative harmonization, information technologies, information management, and forensic and expert capacities.

The work will include (i) coordinating standardization and strengthening of the process of information-gathering about disappeared persons through the country's forensic services; (ii) pursuing a technical diagnostic of the infrastructure and operational capacity of the country's forensic services; and (iii) implementation and application of the "Protocol for Forensic Processing and Identification."

Aiming at standardization, work is under way on consolidating (i) a unified national registry based on the Ante Mortem and Post Mortem protocol of forensic processing and identification; with adaptation of new formats for death certificates aimed at having more information about persons who are classified as unknown; and

(iii) implementation of a standardized instrument for the practice of post-mortem examinations that will facilitate adequate investigation of each case, in order to be able to issue a quality medical report.

The process of training for implementation of this database began on 17 February 2014 through a training programme that culminated at the end of 2014. The offices of the attorneys general or prosecutors of Mexico State, Puebla, Tlaxcala, Veracruz and the Federal District have shared this whole process of training with the personnel of the office of the Attorney General. As part of this programme, meetings were held with the personnel of the offices of attorneys general and prosecutors of the states with the aim of enhancing awareness and presenting the Ante Mortem / Post Mortem Database.

The database contains quality information to be entered into the Ante Mortem module. Said information is gathered through a questionnaire that elicits very sensitive data (information about the interviewee and the persons present during the interview, contact details of each of the people who are willing to give or receive information about the missing person; family tree of the person being sought; personal data and basic information such as age, marital status, sex, gender, migratory status and occupation; information on the facts of the disappearance and the last time the person was seen; physical description including tattoos, scars and any other distinctive features; any habit the person may have had that would help distinguish him/her from others; medical record, surgeries and dental records; information about clothing, personal items and documents the person would probably have had on his/her person at the time of the disappearance; any physical copy of documents carried at the time of the disappearance; visual documentation of the person reported, such as photos or videos; information about any sample obtained from the person before disappearance, such as fingerprints or genetic samples from relatives to perform a genetic profile) which would enable us to locate the person alive, strengthening the ministerial search, as well as comparisons with various databases (hospitals, detention facilities, social networks).

The post mortem module is supplied with forensic information about unidentified deceased persons which is gathered through the Forensic Processing and Identification Protocol, which permits the information to be cross-checked with ante mortem information recorded in this digital computer system.

The Office of the Attorney General has begun operation of the Ante Mortem / Post Mortem Database, populating both modules. Since September, it has installed the computerized system in 150 offices of the Federal District and has been training personnel to operate the AM / PM database and setting up the technical requirements (digital platform) for the software to operate at all offices of the Attorney General in the federal states.

The National Conference of Attorneys General (Conferencia Nacional de Procuración de Justicia (CNPJ)) has adopted various decisions regarding the implementation and operation of the AM / PM Database. Also, as part of the ongoing work relating to the database, the Office of the Attorney General has deployed 95 mobile laboratories which serve to support administration of justice institutions of the federal states in their investigative work, 30 of them being genetic laboratories.

The National Security Commission and its decentralized administrative organs have the obligation to comply with the Victims Act (Ley General de Victimas) in cases of disappearance of persons who are un-located, absent or gone astray, remaining within the framework of its powers, to conduct ex officio activities of search for such persons as provided by article 120. This includes implementing search protocols in accordance with the applicable laws and the international treaties to which Mexico is a party.

B. (33) The Committee urges the State party to (a) harmonize the federal and state legislations relating to abortion with a view to eliminating the obstacles faced by women seeking legal abortions and also to extend access to legal abortion in the light of the constitutional human rights reform and the Committee's general recommendation No. 24 (1999);

In response to the Committee's recommendation: Mexico is a federal republic whose 32 federal states are free and sovereign as regards their internal legal order, so that each defines its public policies and programmes and conducts its own legislative process.

Mexico's legal system presents a hierarchy of rules. The supreme law of the land is the Constitution of the United Mexican States, which, pursuant to the reforms of 2011, guarantees the protection of human rights and establishes the *pro persona* principle. Other bodies of laws, both federal and local, must conform to the Constitution.

The Constitution, in article 4 (2), states that "everyone has the right to take free, responsible and well-informed decisions concerning the number and spacing of their children".

The Federal Penal Code establishes in Chapter VI that "abortion is the death of the product of conception at any moment of pregnancy" and imposes penalties in accordance with specific circumstances upon those who effect abortion of a woman and/or upon a mother who willingly effects her abortion or consents for it to be done by another. However, the federal penal code itself provides that there can be no punishment for abortion caused by a pregnant woman through carelessness or when the pregnancy is the result of rape. Likewise, it establishes that no penalty shall apply when, if the abortion is not effected, the pregnant woman or the product of conception run a risk of death in the judgment of the attending doctor, said doctor having heard the opinion of another doctor, provided this is possible and there is no danger in delay. However, it prescribes sentences for third parties when they cause an abortion: from 1 to 3 years when done with the mother's consent; from 3 to 6 years without the mother's consent; and from 6 to 8 years when done with violence.

The General Population Act gives priority to family planning and provides that educational information and counselling should be provided to adolescents and young people. It likewise gives priority to addressing HIV/AIDS and other sexually transmitted infections among pregnant women so as to prevent mother-to-child transmission. Similarly, among the legal measures adopted recently, noteworthy changes were made in the General Health Act of March 2012, which lays down measures for dissemination of health information in indigenous languages, as well as knowledge of the rights of users in indigenous communities.

Mexico has an official family planning services standard, *Norma Oficial Mexicana NOM-005-SSA2-1993 de los Servicios de Planificación Familiar*, whose purpose is "...to standardize principles, operational criteria, policies and strategies for the provision of family planning services in Mexico, in such manner that, within a framework of total freedom and respect for people's decisions, following counselling, based on the application of the reproductive health approach, the prescription and application of contraceptive methods can be appropriately carried out, as well as the identification, management, and referral of cases of infertility and sterility, thereby achieving better conditions of individual, family and social welfare."

There is also an official Mexican standard concerning domestic and sexual violence against women (*NOM-046-SSA2-2005*) whose purpose is "...to establish guidelines for the detection and prevention of domestic and sexual violence and for the medical and counselling services provided to users of health services in general, and to those involved in situations of domestic or sexual violence in particular, as well as for the reporting of cases of violence."

This standard provides that in cases of pregnancy by rape, subject to authorization by the competent authority, in keeping with applicable laws, public institutions providing medical care should provide medical abortion services at the request of the victim concerned if she is a minor, at the request of her father and/or mother, or, in their absence, her guardian, or according to applicable legal rules.

It also places a duty on public health care institutions to have doctors and nurses trained in medical abortion who are not conscientious objectors. If at the moment of the service request the service cannot be provided in a timely and appropriate manner, the client should be immediately referred to a health care unit which has this kind of personnel and quality care infrastructure.

The Victims Act treats it as an obligation of the State to attend to women who suffer sexual violence and guarantees them the right to an abortion in case of pregnancy by rape. This law reiterates the tenets of the Mexican standard on "domestic and sexual violence against women (NOM 046), guidelines for prevention and care and provision of sexual health services, emergency contraception and termination of pregnancy" and eliminates the requirement to report rape in order to opt for abortion.

Article 35 of the law states that "Every victim of sexual violence or of any other conduct affecting her physical or psychological integrity is guaranteed access to emergency contraception and voluntary termination of pregnancy in cases permitted by law, with total respect for the will of the victim; similarly, she shall be afforded periodic examinations and specialized treatment during the time necessary for full recovery, in accordance with the diagnosis and medical treatment recommended; in particular, following the patient for possible contagion by sexually transmitted disease and by the Human Immunodeficiency Virus shall be given priority in treatment."

The law guarantees services and care to victims and requires that there be personnel trained in the treatment of sexual assault with a gender perspective. For their part, the federal entities, as stated, shall have the power to legislate about matters not exclusively reserved to the Federation. The Supreme Court of Justice

has confirmed the power of the federal entities to legislate in this area, pursuant to the distribution of powers established by the Constitution.

At present, 17 state constitutions protect life from conception[11] and the penal codes of 32 states define the offense of abortion in accordance with the Federal Penal Code. Nevertheless, the code of each state prescribes the circumstances under which the offense of abortion does not give rise to criminal responsibility. [Annex 2. Recommendation 33 a]

- 32 states contemplate rape in their laws on abortion.

The law considers the time lapse for termination of pregnancy, which may be performed within 90 days, 12 weeks or three months of gestation or, in the specific case of Oaxaca, from the time of the punishable act.

- 29 of the 32 states provide for negligent or wrongful abortion.
- Therapeutic abortion, understood as abortion performed as an elective procedure when the life or health of the woman is threatened by the continuation of the pregnancy or when the health of the foetus is endangered by congenital or genetic factors, is provided for in 29 federal entities, while Guanajuato, Guerrero and Querétaro do not include it.
- The codes of 15 of the 32 states exclude responsibility when there are grave genetic or congenital malformations of the product of conception. This case is considered by Baja California Sur, Coahuila, Colima, Chiapas, the Federal District, Guerrero, Hidalgo, México, Morelos, Oaxaca, Puebla, Quintana Roo, Tlaxcala, Veracruz and Yucatán.
- The legislation of 12 states considers termination of pregnancy by artificial insemination without consent: Baja California, Baja California Sur, Colima, Chihuahua, Federal District, Guerrero, Hidalgo, Morelos, San Luis Potosí, Tabasco, Tlaxcala and Veracruz.
- The Penal Code of the State of Yucatan is the only one which treats economic circumstances as excusing responsibility when the woman has at least 3 children, in its article 393 section IV, which states: "Abortion is not punishable in the following cases: IV. When the abortion is due to grave and justified economic circumstances, provided that the pregnant woman already has at least three children..."
- For its part, the Federal District is the only federal entity which does not punish termination of pregnancy during the first 12 weeks of pregnancy. Article 144 of the Penal Code defines abortion as "the death of the product of conception after the twelfth week of gestation. For purposes of this Code, pregnancy is the part of human reproduction that begins with the implantation of the embryo in the endometrium."

[11] Baja California, Chiapas, Chihuahua, Colima, Durango, Guanajuato, Jalisco, Morelos, Nayarit, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sonora, Tamaulipas, Yucatán. Information from: Grupo de Información en Reproducción Elegida (GIRE) (Information Group on Reproductive Choice) https://www.gire.org.mx/index.php?option=com_content%20&view=article&id=%20409&Itemid=1154&lang=es

Grounds for exception to the crime of abortion in the laws of the federal entities			
Ground	*Considered*		*Not considered*
	32		
		10	
Rape	Done within 90 days, 12 weeks or 3 months from gestation or in Oaxaca from the punishable act	Baja California, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Hidalgo, Oaxaca, Quintana Roo y Veracruz	22 No time period considered
Negligent or wrongful	29		3 Chiapas, Nuevo León & Tabasco
Therapeutic	29 [12]		3 Guanajuato, Guerrero, Querétaro
Grave genetic or congenital malformations	15 Baja California Sur, Coahuila, Colima, Chiapas, Distrito Federal, Guerrero, Hidalgo, México, Morelos, Oaxaca, Puebla, Quintana Roo, Tlaxcala, Veracruz y Yucatán.		17 Aguascalientes, Baja California, Campeche, Chihuahua, Durango, Guanajuato, Jalisco, Michoacán, Nayarit, Nuevo León, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas & Zacatecas.
Artificial insemination without consent	12 Baja California, Baja California Sur, Colima, Chihuahua, Distrito Federal, Guerrero, Hidalgo, Morelos, San Luis Potosí, Tabasco, Tlaxcala y Veracruz.		20 Aguascalientes, Campeche, Coahuila, Chiapas, Durango, Guanajuato, Jalisco, México, Michoacán, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, Sinaloa, Sonora, Tamaulipas, Yucatán & Zacatecas.
For economic reasons when the woman has at least 3 children	1 Yucatán		31 Not considered
By choice of the mother during first 12 weeks of pregnancy	1 Federal District		31 Nor considered

Source: INMUJERES/DGTPG/DSSV

[12] Consider grave danger of death or injury to health.

As the Committee was informed in the 7th and 8th combined reports, it is important to note that the Penal Code of the Federal District was amended in 2007 to decriminalize abortion before the 12th week of pregnancy (paragraph 170). For further information, see Annex 3, Recommendation 33 (a) which includes information disaggregated by federal entity and the legal rules concerning health that regulate the manner of provision of medical services.

Mexico recognizes that in accordance with the mandates established by the Constitution, particularly in regard to human rights, the *pro persona* principle and article 4 of the Constitution, international standards established by international human rights treaties impose the need to strive to guarantee women's right to decide in a free and informed manner about the number an spacing of their children. In that regard, an important challenge is carrying out actions to harmonize criminal and health legislation at the federal and state levels in accordance with the constitutional human rights reform of June 2011 and the international treaties to which Mexico is party.

Among the efforts exerted to identify pending issues in the legislative domain, a noteworthy development is the "assessment of legislative work in the field of human rights of women during the 61st session of the legislature – challenges and pending issues" (*Diagnóstico del Trabajo Legislativo en Materia de derechos humanos de las Mujeres en la Legislatura LXI. Retos y pendientes*), a product of the Study Centre for the Advancement of Women and Gender Equity, an organ of the legislative branch. This study considers international commitments concerning women's rights and corresponding initiatives during the 61st session of the legislature in 2009-2012 and made possible the identification of advances and pending tasks in regard to approved and pending legislative projects, a useful tool for the 62nd legislative term that is to take place through 2015.[13]

C 33 (b) To inform medical care providers and social workers that the local constitutional amendments have not repealed the grounds for legal abortion and also inform them of their responsibilities;

In December 2013 the National Centre for Gender Equity and Reproductive Health of the Department of Health disseminated to the federal states the document of Concluding Comments of the Committee on the Elimination of Discrimination against Women concerning the combined seventh and eighth periodic reports of Mexico on compliance with the Convention on the Elimination of all Forms of Discrimination against Women, addressing the amendment of article 1 of the Mexican Constitution, which in light of the interpretation of rules relating to human rights should be done on the basis of international treaties ratified by Mexico. Specifically, reference was made to articles 11 and 12 of the Convention, which embody the commitment to take the steps necessary to secure the right to protection of health and ensure, under conditions of equality for women and men, access to health care, including services relating to family planning.

The Department of Health also reported on the obligation of medical service providers to guarantee application of standard *NOM-046-SSA2-2005, Domestic and*

[13] Electronic version available: http://www3.diputados.gob.mx/camara/001_diputados/006_centros_de_estudio/05_centro_de_estudios_para_el_adelanto_de_las_mujeres_y_la_equidad_de_genero/01a_que_hacemos/00b_publicaciones

sexual violence against women – guidelines for prevention and care[14] in the federal states with respect to emergency contraception, prophylaxis and medical abortion in accordance with the state legislative framework. The purpose of this standard is to lay down guidelines to be observed in detection, prevention medical care and counselling provided to users of health care services in general and particularly those who are involved in situations of domestic or sexual violence, and with regard to the reporting of cases. This issuance was reiterated in July 2014 to the heads of state health authorities

Training and awareness-raising

From July 2012 to December 2014 the Department of Health (Secretaría de Salud (SSA)) in collaboration with state health authorities trained 8,575 doctors of public institutions of the National Health System regarding standard NOM 046 for detection and care of domestic and gender violence, which includes prophylaxis for prevention of pregnancy in case of rape, sexually transmitted infections and performing medical abortion when required.

Similarly, in September 2013, the Department of Health, through the National Centre for Gender Equity and Reproductive Health, conducted an International Seminar on Gender Equality and Gender Perspective in Health, with the participation of 62 specialist presenters in 11 thematic roundtables and three keynote lectures, addressed to 200 professionals and students in health domains, dealing inter alia with topics of health and sexual and reprodutive rights.

[14] http://www.dof.gob.mx/nota_detalle.php?codigo=5087256&fecha=16/04/2009